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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Sharon D. Harden,

10 Plaintiff,

11 v.

12 CPLC Estancia LLC, et al.,

13 Defendants.
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No. CV-19-04966-PHX-DWL

ORDER

15 Pending before the Court is the Application for Leave to Proceed In Forma
16 Pauperis (Doc. 2), which the Court grants. The Court must screen Plaintiff's complaint
17 pursuant to 28 U.S.C. § 1915(e)(2). Pursuant to that screening, Plaintiff's complaint
18 (Doc. 1) is dismissed with leave to amend.

19 The Court must dismiss the case if it determines that the action fails to state a
20 claim on which relief may be granted. 28 U.S.C. § 1915(e)(2)(B)(ii); *Lopez v. Smith*, 203
21 F.3d 1122, 1129 (9th Cir. 2000) (noting that "section 1915(e) applies to all in forma
22 pauperis complaints" and holding that although dismissal is required, leave to amend may
23 be granted). Portions of the complaint appear to have been entered into fields on a
24 fillable electronic form that cut off any text that did not fit into the field size, such that
25 only part of the text appears on the face of the complaint. The portion of text that is
26 visible in the complaint does not allege facts that state a claim on which relief may be
27 granted.

28 Plaintiff's amended complaint must adhere to all portions of Rule 7.1 of the Local

1 Rules of Civil Procedure (“LRCiv”). Additionally, Plaintiff is advised that the amended
2 complaint must satisfy the pleading requirements of Rule 8 of the Federal Rules of Civil
3 Procedure. Specifically, the amended complaint shall contain a short and plain statement
4 of the grounds upon which the Court’s jurisdiction depends, a short and plain statement
5 of each specific claim asserted against each Defendant, and a demand for the relief
6 sought. Fed. R. Civ. P. 8(a)(1)-(3). These pleading requirements are to be set forth in
7 *separate and discrete numbered paragraphs*, and “[e]ach allegation must be simple,
8 concise, and direct.” Fed. R. Civ. P. 8(d)(1); *see also* Fed. R. Civ. P. 10(b) (“A party
9 must state its claims or defenses in numbered paragraphs, each limited as far as
10 practicable to a single set of circumstances.”). Where a complaint contains the factual
11 elements of a cause, but those elements are scattered throughout the complaint without
12 any meaningful organization, the complaint does not set forth a “short and plain
13 statement of the claim” for purposes of Rule 8. *Sparling v. Hoffman Constr. Co.*, 864
14 F.2d 635, 640 (9th Cir. 1988).

15 Plaintiff is advised that if the amended complaint fails to comply with the Court’s
16 instructions explained in this Order, the action may be dismissed pursuant to
17 section 28 U.S.C. § 1915(e) and/or Rule 41(b) of the Federal Rules of Civil
18 Procedure. *See McHenry v. Renne*, 84 F.3d 1172, 1177 (9th Cir. 1996) (affirming
19 dismissal with prejudice of amended complaint that did not comply with Rule 8(a)).
20 Given this specific guidance on pleading requirements, the Court is not inclined to grant
21 Plaintiff leave to file another amended complaint if the first amended complaint is found
22 to be deficient. *See Ferdik v. Bonzelet*, 963 F.2d 1258, 1261 (9th Cir. 1992) (affirming
23 dismissal with prejudice where district court had instructed *pro se* plaintiff regarding
24 deficiencies in prior order dismissing claim with leave to amend); *Ascon Props., Inc. v.*
25 *Mobil Oil Co.*, 866 F.2d 1149, 1160 (9th Cir. 1989) (“The district court’s discretion to
26 deny leave to amend is particularly broad where plaintiff has previously amended the
27 complaint.”).

28 Plaintiff is directed to become familiar with the Local Rules and the Federal Rules

1 of Civil Procedure and is advised of the Free Self-Service Clinic at the Phoenix
2 courthouse. For information, visit the Court's internet site at: www.azd.uscourts.gov.
3 Proceed to the box entitled *For Those Proceeding Without an Attorney* and then the link
4 entitled *Federal Court Self Service Clinic - Phoenix*.

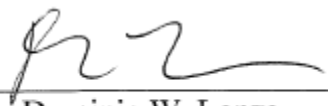
5 Accordingly,

6 **IT IS ORDERED granting** the Application to Proceed in District Court without
7 Prepaying Fees or Costs (Doc. 2).

8 **IT IS FURTHER ORDERED** that Plaintiff's complaint (Doc. 1) is **dismissed**
9 with leave to file an amended complaint by **September 20, 2019**. The amended
10 complaint must adhere to LRCiv 7.1.

11 **IT IS FURTHER ORDERED** that if Plaintiff fails to file an amended complaint
12 by **September 20, 2019**, the Clerk of Court shall terminate the action.

13 Dated this 20th day of August, 2019.

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18 Dominic W. Lanza
19 United States District Judge
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